

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOCALS 302 AND 612 OF THE
INTERNATIONAL UNION OF OPERATING
ENGINEERS CONSTRUCTION INDUSTRY
HEALTH AND SECURITY FUND *et al.*,

Plaintiffs,

v.

RECLAIM COMPANY LLC, a Washington
limited liability company,

Defendant.

CASE NO. C20-0592-JCC

ORDER

This matter comes before the Court on Plaintiffs' motion for entry of default judgment (Dkt. No. 8). Having thoroughly considered the motion and the relevant record, the Court FINDS as follows:

1. Plaintiffs properly served Defendant on May 5, 2020, (Dkt. No. 3);
2. The Clerk entered an order of default against Defendant on June 1, 2020, (Dkt. No. 7);
3. Defendant has failed to appear or otherwise defend in this action;
4. This action is properly within the jurisdiction of the Court and venue is proper; and
5. The factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir. 1986), support granting default judgment in Plaintiffs' favor.

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1 Accordingly, the Court hereby GRANTS Plaintiffs' motion for entry of default judgment
2 (Dkt. No. 8). The Court further FINDS and ORDERS as follows:

- 3 1. Defendant has contractual obligations to promptly and fully report for and pay
4 contributions and dues to Plaintiff Trusts on behalf of each of its employees who are
5 members of the bargaining unit represented by Plaintiff Local 302. (*See* Dkt. No. 8 at 7.)
- 6 2. Defendant specifically accepted the Plaintiff Trusts' trust agreements and thereby agreed
7 to pay the Health and Welfare Trust, the Pension Trust, and the Training Trust liquidated
8 damages equal to 12 percent of all delinquent contributions or \$25.00 per month,
9 whichever is greater; 12 percent annual interest accruing upon each monthly contribution
10 delinquency from the first day thereof until fully paid; and as attorney fees and costs,
11 which Plaintiff Trusts incurred in the collection of Defendant's unpaid obligations. (*See*
12 *id.* at 8.)
- 13 3. Defendant failed to pay its contributions and dues for the period of August 2019 through
14 November 2019. (*See id.*)
- 15 4. Plaintiffs are entitled to an award of attorney fees and costs, and Plaintiffs' request for
16 \$414.00 in attorney fees is reasonable.
- 17 5. Plaintiffs are AWARDED judgment against Defendant in the amount \$57,663.41,
18 consisting of:
 - 19 a. \$45,134.26 in contributions;
 - 20 b. \$2,973.38 in dues;
 - 21 c. \$5,417.47 in liquidated damages;
 - 22 d. \$3,269.30 in pre-judgment interest;
 - 23 e. \$414.00 in attorney fees; and
 - 24 f. \$455.00 in costs.
- 25 6. The Clerk is DIRECTED to close this case.

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1 DATED this 1st day of July 2020.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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